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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,121	09/30/2003	F. Randall Murray II	16111RRUS01U (NORT10-0034)	4965
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/675,121	Applicant(s) MURRAY, F. RANDALL	
	Examiner Joiya M. Cloud	Art Unit 2444	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02/17/2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is responsive to the communication filed on 02/17/2009. Claims 1-27 are PENDING.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/17/2009 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-9, 11-18, 20-24, and 26-27 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by **Orbach et al. (US Publication 2004/0125932 A1)**.

As per claim 1, Orbach teaches a method for call conferencing, comprising: controlling a conference call with a server (**paragraphs [0013] and [0015]**); detecting an event associated

with a conference call (**paragraphs [0032], [0046], where the detected events are "user joined", "user left" and/or "user speaking". See also paragraph [0057], where a "New user" is detected**) the conference call associated with a plurality of participants; and communicating one or more instant messages (**SMS message**) associated with the detected event from the server to one or more of the participants by communicating the instant message to a network device external to the server (**paragraphs [0056]-[0058], where an SMS message is sent to call members of a conference notifying them of a new call member status event.**).

As per claim 2, Orbach teaches a method wherein the event comprises a chairperson of the conference call joining the conference call; and the one or more instant messages identify at least one of a number of participants who have joined (new users) the conference call and a name of each participant who has joined the conference call (**paragraphs [0046], [0054], and [0057]**).

As per claim 3, Orbach teaches a method wherein the one or more instant messages identify at least one of a number of participants who have joined and exited the conference call and a name of each participant who has joined and exited the conference call (**paragraphs [0032] and [0059] and Figure 2**).

As per claim 4, Orbach teaches a method wherein the event comprises one of the participants joining the conference call; and the one or more instant messages identify a name of the participant who joined the conference call (**paragraphs [0015] and [0086]**).

As per claim 5, Orbach teaches a method wherein the event comprises one of the participants exiting the conference call; and the one or more instant messages identify a name of the participant who exited the conference call (**paragraphs [0015] and [0086]**).

As per claim 6, Orbach teaches a method wherein the event comprises one of a beginning and an end of the conference call; and the one or more instant messages identify that the conference call has one of begun and ended (**paragraphs [0085] and [0015]**).

As per claim 7, Orbach teaches a method wherein the event comprises one of the participants failing to provide a correct pass code when attempting to join the conference call; and the one or more instant messages are communicated to a chairperson and identify the participant, an incorrect pass code provided by the participant, and the correct pass code (**paragraph [0096]**).

As per claim 8, Orbach teaches a method wherein the event comprises a chairperson of the conference call exiting the conference call (**paragraph [0032]**); and the one or more instant messages indicate that the conference call will end after a specified amount of time (**paragraph [0015]**).

As per claim 9, Orbach teaches a method wherein the event comprises one of the participants transferring the conference call from one communication device to another communication device; and the one or more instant messages indicate that the participant transferred communication devices (**paragraphs [0063] and [0064]**).

As per claim 11, Orbach discloses an apparatus for call conferencing, comprising: one or more ports operable to receive at least one channel of a plurality of channels for a communication session (**paragraph [0018]**), the at least one channel having information from at least two of a plurality of conference call participants (**Figure 1, conference call participants-item 12, calling devices/paragraph [0024]**); and one or more processors collectively operable

to: detect an event associated with the conference call (**paragraphs [0032], [0046]**); and communicate one or more instant messages associated with the detected event from one or more processors to one or more of the participants via a network device external to the one or more processors (**paragraphs [0032] and [0046]**).

Claim 12 is substantially the same as **claim 2**, but in apparatus form rather than method form and thus rejected using the same rationale.

Claims 13-18 is substantially the same as **claims 4-9**, but in apparatus form rather than method form and thus rejected using the same rationale.

Claims 20-21 are substantially the same as **claims 1-2** and are thus rejected using the same rationale.

Claims 22-24 are substantially the same as **claims 4-6** and are thus rejected using the same rationale.

Claim Rejections - 35 USC § 103

Claims 10, 19, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Orbach in view of Desai et al. (**U.S. Patent No. 6,618,746 B2, hereinafter Desai**).

As per exemplary claim 10, Orbach discloses the invention substantially as claimed. However, Orbach does not teach wherein a survey and the one or more processors are further collectively operable to receive one or more responses from one or more of the participants

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containing answers to the survey; tabulate the answers; and communicating tabulated answers in a message to a chairperson of the conference call.

Desai teaches a survey and the one or more processors are further collectively operable to receive one or more responses from one or more of the participants containing answers to the survey (**receiving answers to a questionnaire**); tabulate the answers (**retrieving the analysis and performing the statistical analysis**); and communicate one or more instant messages containing the tabulated answers to a chairperson of the conference call (**Abstract, col. 3, lines 43-67**).

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Orbach's telecommunication's conferencing system to the teachings of Desai, for the purpose of providing a means for feedback from a networked communication session and its participants. Furthermore, enabling a survey allows "gathering of information across a network quickly and efficiently," (Abstract).

Claims 19 and 25 are rejected using the same rationale.

CONCLUSION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joiya Cloud whose telephone number is 571-270-1146. The examiner can normally be reached Monday to Friday from on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3922.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JMC

/William C. Vaughn, Jr./

Supervisory Patent Examiner, Art Unit 2444

April 24, 2009